

CATEGORICAL EXCLUSION DOCUMENTATION FORMAT FOR ACTIONS OTHER THAN HAZARDOUS FUELS AND FIRE REHABILITATION ACTIONS

Suddenlink Fiber Optics Line

NEPA Number DOI-BLM-AZ-C010-2012-0034-CX

A. BACKGROUND

BLM Office: Kingman Field Office

Lease/Serial/Case File No.: AZA 35917

Proposed Action Title/Type: Right-of-way (ROW) for fiber optic cable between Golden Valley and Kingman.

Location of Proposed Action:
Gila and Salt River Meridian

T. 21 N., R 17 W.,

sec. 8, SW¹/₄SE¹/₄;

sec. 16, lot 2 and 3, S¹/₂SW¹/₄NE¹/₄, S¹/₂NW¹/₄NW¹/₄, NE¹/₄NE¹/₄ SW¹/₄NW¹/₄, N¹/₂SE¹/₄NW¹/₄,
N¹/₂SE¹/₄ SE¹/₄NW¹/₄.

Background:

Black Mesa Pipeline (BMPL) had an easement from the United States' predecessor in interest for an 18 in. coal slurry pipeline within sec. 16, and a ROW granted by the BLM in sec. 8 (see Exhibit A) both within T. 21 N., R. 17 W. The pipeline is no longer in use to transport coal slurry, and on September 16, 2010 a quit claim assignment, bill of sale and conveyance was signed giving NPG Cable Inc. the rights to the pipeline to use as for fiber optic lines and other communication related lines and appurtenances. On May 13, 2011 BMPL requested relinquishing its ROW (AZA-438) including that portion in sec. 8 described above. If the proposed ROW is granted the relinquishment would be accepted.

Suddenlink is a subsidiary to NPG Cable Inc. and submitted an application for a ROW to use BMPL's pipe as a conduit for fiber optic line between Kingman and Golden Valley on March 22, 2012.

Description of Proposed Action:

The proposed action would be to grant a right-of-way to Suddenlink to install a fiber optic cable within an existing pipeline formerly owned and operated by BMPL between Golden Valley and Kingman, AZ.

There would be three locations that would provide access points to the pipe. One each in T. 21 N., R. 17 W. sections 7, 8, and 16 (see exhibit B). The access point that would be within section 7 would be private land, the access point that would be within section 8 is within a ROW granted by the BLM and is located on BLM administered lands, and the access point that would be within section 16 would be wholly within land owned or controlled by ADOT.

At each of the access points Suddenlink's primary contractor, Titan Communications, would expose a five ft. by five ft. area by clearing the area and digging down approximately three ft. to access the pipe. A two ft. by three ft. concrete 20,000 lb. highway vault would be installed to protect the open area of the exposed pipeline. Once the vaults are in place, the areas would be used as pulling points for the fiber optic cable. A 5/8 in. steel strand would be blown through the pipe from the access point in section 16 to the access point in section 8 which will be a pulling point. From section 8 it would be blown through to the access point in section 7. At each of the pulling points the two conduits would be tied to the strand and pulled through the segment of pipeline between the two vaults.

The cable would be brought in on two spools that would be used between both vault sites and the conduit strands would be fusion welded. At the access point on BLM administered lands within ADOT's ROW approximately 10 ft. wide by 60ft. long would be used to access the work area that would be used to construct the access point. A Rear Wheel Loader Backhoe and a 3 Ton Mini Track Excavator would be the equipment used along this path. The vegetation along this path would be crushed during construction work area. There is one Hedge Hog cactus that would be transplanted adjacent to the work area. Once the cable is pulled through the pipeline the area would be reclaimed per the ADOT permits instructions (attached).

The area of BLM administered lands that would be disturbed would be the 10 ft. wide by 60 ft. long path to the work area and the 12 ft. x 13 ft. work area. The fiber optic line within BLM administered lands would affect a 10 ft. wide area within sec. 8 that would be 1,310 ft. long and in sec. 16, 5,310 ft. long for a total of 6,620 ft. The total acres on public land that would be affected are 1.540 more or less.

The construction is anticipated to take two months, and any maintenance would be done accessing the pipeline from either the vault within the ADOT ROW or the vault on private land. Any disturbance outside of the ADOT ROW on BLM administered public lands would be authorized separately.

The proposed ROW would only allow the above described ground disturbing activities on public land. If such activities are needed in the future outside of that area on BLM administered land a separate authorization would be needed.

B. LAND USE PLAN CONFORMANCE

Land Use Plan Name: *Kingman Resource Management Plan/Environmental Impact Statement*

Date Approved/Amended: March 1995

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s):

LR13a/v: All other minor right-of-way would be evaluated through the environmental review process and granted on a case by case basis. Existing rights-of-way would be used when possible to minimize surface disturbance.

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions):
N/A

C. COMPLIANCE WITH NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9 E. (12): *Grants of right-of-way wholly within the boundaries of other compatibly developed rights-of-way.*

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed (see Attachment 1), and none of the extraordinary circumstances described in 516 DM2 apply.

I considered the impacts of granting these rights-of-way and there were no extraordinary circumstances with these and, due to the small area affected and the terms and conditions included in the authorizations, there would be no potential for significant impacts.

D. SIGNATURE

Authorizing Official: / s / Ruben A. Sanchez Date: 8/10/2012
(Signature)

Name: Ruben Sánchez
Title: Field Manager

Contact Person

For additional information concerning this categorical exclusion review, contact Melissa Patriquin, Lands and Realty, Kingman F.O. 2755 Mission Blvd, Kingman, AZ 86401, phone (928) 718-3706.

Note: A separate decision document must be prepared for the action covered by the categorical exclusion. See Attachment 2.

Attachment 1: Extraordinary Circumstances Review	Comment (Yes or No with supporting Rationale)
1. Have significant effects on public health or safety.	No. The fiber optic cable would be inside of an existing pipeline and the area affected would be small. There are no adverse impacts or significant effects that are anticipated.
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988) national monuments; migratory birds; and other ecologically significant or critical areas.	No. There are no significant impacts to unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988) national monuments; migratory birds; and other ecologically significant or critical areas.
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2) (E)].	No. The environmental effects would be non-controversial and no conflicts concerning available resources were identified.
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	No. The environmental effects of this cable would be limited to the elimination of a few plants and the displacement of any rodents or insects inhabiting those specific locations. These kinds of impacts are quite common, the effects of similar actions, though not necessarily documented, have been observed for hundreds of years.
5. Establishes a precedent for future action or represents a decision in principle about future actions with significant environmental effects.	No. Any future proposals for similar projects are discretionary on the part of the BLM Authorized Officer and subject to NEPA.
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.	No. Fiber optic line would be within an existing abandoned pipeline. There would be no ground disturbance on BLM lands except for within ADOT's ROW.
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.	No. The area is not listed, or eligible for listing, as a property on the National Register of Historic Places as determined by either the bureau or office.
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.	No. There would be no significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.	No. The granting of this right-of-way would not violate any laws or any requirements imposed for the protection of the environment.

Attachment 1 Continued: Extraordinary Circumstances Review	Comment (Yes or No with supporting Rationale)
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).	No. The effects of the proposed right-of-way would benefit the public as a whole equally.
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).	No. This site is not known to be sacred, nor would the placement of this cable impact access to any ceremonially used Indian sacred sites on Federal lands.
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).	No. Although non-native plant species may exist in these areas it is not anticipated that the construction, maintenance, operation, or termination of the proposed fiber optic line would contribute to the introduction or spread of non-native invasive species.

ATTACHMENT 2 APPROVAL AND DECISION

Compliance and assignment of responsibility: Lands & Reality, Melissa Patriquin

Monitoring and assignment of responsibility: Lands & Reality, Melissa Patriquin

Review: *We have determined that the proposal is in accordance with the categorical exclusion criteria and that it would not involve any significant environmental effects. Therefore, it is categorically excluded from further environmental review.*

Prepared by:	<u>/ s / Melissa Patriquin</u>	Date:	<u>8/10/2012</u>
	<i>Melissa Patriquin</i> Project Lead		
Reviewed by:	<u>/ s / Ramone B. McCoy</u>	Date:	<u>8/10/2012</u>
	<i>Ramone McCoy</i> NEPA Coordinator		
Reviewed by:	<u>/ s / Ruben A. Sanchez</u>	Date:	<u>8/10/2012</u>
	<i>Ruben Sánchez</i> Supervisor		

Description of the Proposed Action:

The proposed action would be to grant a right-of-way to Suddenlink for a fiber optic cable between Golden Valley and Kingman, AZ.

The right-of-way area for this would be 1.540 acres more or less. The proposed term would be through December 31, 2042.

Decision: Based on a review of the project described above and field office staff recommendations, I have determined that the project is in conformance with the land use plan and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed, with the following stipulations (if applicable).

Approved By:	<u>/ s / Ruben A. Sanchez</u>	Date:	<u>8/10/2012</u>
	Ruben Sánchez Field Manager		

EXHIBITS

1. Stipulations: see attached right-of-way grant.

FORM 2800-14
(August 1985)
Office

Issuing Office
Kingman Field

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

SERIAL NUMBER AZA 35917

1. A right-of-way is hereby granted pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).

2. Nature of Interest:

a. By this instrument, the holder:

Suddenlink
2900 Airway Ave.
Kingman, Arizona 86409-3646

receives a right to construct, operate, maintain, and terminate a road on public lands (or Federal lands for MLA Rights-of-Way) described as follows:

Gila and Salt River Meridian, Arizona

T. 21 N., R 17 W.,
sec. 8, S $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
sec. 16, lot 2 and 3, S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$,
N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.

b. The right-of-way or permit area granted herein:

In section 8 SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ 12 feet wide and 70 feet long.

In section 8, S $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ 10 feet wide and 1,310 feet long.

In section 16, lot 2 and 3, S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ 10 feet wide and 5,310 feet long.

It contains 1.540 acres, more or less.

- c. This instrument is issued in perpetuity unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.
- d. This instrument may be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.
- e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

3. Rental:

For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in

accordance with comparable commercial practices.

4. Terms and Conditions:

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations parts 2800 and 2880.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise dispose of as directed by the authorized officer.
- c. Each grant issued for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The stipulations, plans, maps, or designs set forth in Exhibits A and B, and C dated April 17, 2012 attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
- f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions

of this right-of-way grant or permit.

(Signature of Holder)

(Signature of Authorized
Officer)

(Title)

(Title)

(Date)

(Effective Date of Grant)